

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

KEITH TESKY, MARK TESSMER,
CHRISTOPHER VANGOETHEM, KAL
TESKY, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

BONE & JOINT CLINIC, S.C.,

Defendant.

Case No. 3:23-cv-00184-jdp – Consolidated

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Plaintiffs Keith Tesky, Mark Tessmer, Chistopher Vangoethem, and Kal Tesky, individually (collectively, "Plaintiffs"), and on behalf of all others similarly situated, hereby move this Court to:

- a. Appoint Plaintiffs Keith Tesky, Mark Tessmer, Christopher Vangoethem, Kal Tesky and Ken Ollerman as Class Representatives of the Settlement Class;
- b. Appoint Settlement Class Counsel Raina Borrelli of Turke & Strauss, LLP, Danielle L. Perry of Mason LLP, and Ken Grunfeld of Kopelowitz Ostrow Ferguson Weiselberg Gilbert;
- c. Certify the Settlement Class under Federal Rule 23 for settlement purposes only;
- d. Preliminarily approve this Settlement Agreement for purposes of disseminating Notice to the Settlement Class;
- e. Approve the form and contents of the Notice and the method of its dissemination to members of the Settlement Class; and
- f. Schedule a Final Approval Hearing to review comments and/or objections regarding this Settlement Agreement, to consider its fairness, reasonableness and adequacy, to consider the

application for a Fee Award and incentive awards to the Class Representatives, and to consider whether the Court shall issue a Final Judgment approving this Settlement Agreement, to consider Class Counsel's application for the Fee Award and the incentive award to the Class Representatives, and dismissing the Action with prejudice.

Plaintiffs' motion is based on: this Motion and the accompanying Notice of Motion; Plaintiffs' Memorandum in Support of Unopposed Motion for Class Action Settlement; the Declaration of Danielle L. Perry filed in support of Plaintiffs' Motion and all exhibits including the Settlement Agreement; all exhibits and attachments to the Motion and the Settlement Agreement including the Parties' draft Notice, Claim Form, and the Proposed Preliminary Approval Order submitted herewith.

Dated: October 25, 2023

Respectfully submitted,

By: /s/ Samuel J. Strauss

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Counsel for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I, Samuel J. Strauss, hereby certify that on October 25, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record via the ECF system.

DATED this 25th day of October, 2023.

TURKE & STRAUSS LLP

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